

SEVENTEENTH DAY

(Wednesday, February 8, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Tim Crowe, Bastrop Christian Church, Bastrop, offered the invocation as follows:

Father, as we gather here this morning to conduct the business of the state, we ask for keen minds to understand the issues that face this body. We ask that You help them recall to their remembrance information that they have studied in order to make informed decisions. We pray for wisdom to perceive what is in the best interests for the people of this state. Forgive us when we fail, in Jesus' name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 94

On motion of Senator Ellis and by unanimous consent, Senator Madla will be shown as Co-author of **S.B. 94**.

CO-AUTHORS OF SENATE BILL 182

On motion of Senator Rosson and by unanimous consent, Senators Barrientos and Gallegos will be shown as Co-authors of **S.B. 182**.

CO-AUTHOR OF SENATE BILL 319

On motion of Senator Armbrister and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 319**.

CO-AUTHOR OF SENATE BILL 438

On motion of Senator Madla and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 438**.

CO-AUTHOR OF SENATE BILL 440

On motion of Senator Montford and by unanimous consent, Senator Shapiro will be shown as Co-author of **S.B. 440**.

MESSAGE FROM THE HOUSE

House Chamber
February 8, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 44, Commending Hugh Powers for his many contributions to the Houston Chronicle.

H.C.R. 68, Honoring Will Bond.

H.C.R. 8, Designating February 8, 1995, as Crime Victims Day.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

The President recognized Senator Moncrief, who presented Dr. John Roland of Fort Worth as the "Doctor for the Day."

Dr. Roland, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

H.C.R. 7**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.J.R. 33 by Brown, Haywood, Leedom, Shapiro, Finance
Henderson, Nelson, Patterson, Sibley, Bivins, Galloway, Nixon, Wentworth
Ratifying a proposed amendment to the Constitution of the United States
providing for a federal balanced budget.

S.C.R. 46 by Nelson, Patterson, Brown State Affairs
Calling for participation in the Conference of the States by the 74th
Legislature of the State of Texas.

S.B. 9 by Armbrister, Barrientos, State Affairs
Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson,
Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon,
Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner,

Wentworth, West, Whitmire, Zaffirini

Relating to the functions and systems and programs administered by the Teacher Retirement System of Texas.

S.B. 361 by Armbrister

Natural Resources

Relating to the removal of the Guadalupe-Blanco River Authority from the application of the Texas Sunset Act.

S.B. 445 by Luna, Montford, Lucio, Gallegos

State Affairs

Relating to the operation of a vehicle with a child in an open bed of the vehicle or in the open bed of a trailer being towed by the vehicle.

S.B. 466 by Ellis

Criminal Justice

Relating to the creation of offenses intended to limit access by children to certain firearms and to firearms safety education for schoolchildren.

S.B. 467 by Moncrief

Health and Human Services

Relating to the operation of community mental health and mental retardation centers.

S.B. 468 by Ellis

Economic Development

Relating to the regulation of premium finance companies.

S.B. 469 by Barrientos

Education

Relating to the removal of violent and disruptive students from regular public school classrooms and placement of those students in alternative education programs.

S.B. 470 by Bivins

Education

Relating to entities subject to audit by the state auditor.

S.B. 471 by Bivins

Intergovernmental Relations

Relating to counties authorized to employ a purchasing agent.

S.B. 472 by Bivins

State Affairs

Relating to the waiver of the visual standards for a commercial driver's license to operate a commercial motor vehicle only in this state.

S.B. 473 by Patterson

State Affairs

Relating to required protective headgear for motorcycle operators and passengers.

S.B. 474 by Ellis

Economic Development

Relating to the prohibition of discrimination by certain surety companies.

S.B. 475 by Moncrief

Criminal Justice

Relating to provisions governing a comprehensive assessment of a juvenile offender when the offender first is referred to the juvenile court.

S.B. 476 by Luna

Health and Human Services

Relating to the regulation of the practice of naturopathic medicine; providing penalties.

S.B. 477 by Gallegos

Intergovernmental Relations

Relating to a civil service system for peace officers employed by a metropolitan rapid transit authority.

S.B. 478 by Armbrister Economic Development
Relating to an exemption of certain fire alarm devices from certain license requirements.

S.B. 479 by Armbrister State Affairs
Relating to permitting an aircraft to be used in alcoholic beverage advertising or promotion.

S.B. 480 by Armbrister Natural Resources
Relating to the jurisdiction of the Railroad Commission of Texas over pipeline safety.

S.B. 481 by Ellis, Wentworth Health and Human Services
Relating to trespassing on the premises of a health care facility; providing a penalty.

S.B. 482 by Zaffirini, Moncrief, Health and Human Services
Lucio, Nelson, Truan, Gallegos, Patterson
Relating to the creation, powers, and duties of the Texas Volunteer Health Corps.

S.B. 483 by West Criminal Justice
Relating to the disposition of records of the conviction or adjudication of minors.

S.B. 484 by West Criminal Justice
Relating to the creation of the Texas Juvenile Justice Task Force to create and codify the juvenile justice system code.

S.B. 485 by West Criminal Justice
Relating to the adjudication and disposition of children for delinquent conduct that violates a penal law of this state of the grade of felony and to the commitment of children to the Texas Youth Commission under a determinate sentence.

S.B. 486 by Cain State Affairs
Relating to allowing a person who will be 18 years of age before the general election for state and county officers to vote in the preceding primary elections.

S.B. 487 by Shapiro Economic Development
Relating to the duty of a landlord to provide smoke detectors in leased residential premises.

S.B. 488 by Wentworth Jurisprudence
Relating to a contractual lien for surveying services.

S.B. 489 by Armbrister, Nelson State Affairs
Relating to the disclosure of certain information by a person licensed to sell real estate.

S.B. 490 by Bivins Economic Development
Relating to premium discounts by certain insurance companies for persons installing home security devices.

- S.B. 491** by Bivins Criminal Justice
Relating to a payment to a local victim assistance program as a condition of community supervision.
- S.B. 492** by Bivins Criminal Justice
Relating to using closed circuit television to enter a plea or waive a right in a criminal case.
- S.B. 493** by Bivins State Affairs
Relating to certain intoxication offenses; providing for the enhancement of penalties.
- S.B. 494** by Bivins Criminal Justice
Relating to the imposition of a lien on certain persons convicted of criminal offenses to secure payment of restitution, fines, or costs.
- S.B. 495** by Henderson Economic Development
Relating to the creation of an offense involving sales of tickets to certain events; providing a penalty.
- S.B. 496** by Madla Intergovernmental Relations
Relating to the contribution of vacation leave time by certain county employees to a county sick leave pool.
- S.B. 497** by Madla Health and Human Services
Relating to qualified patients under the Texas Natural Death Act.
- S.B. 498** by Brown Criminal Justice
Relating to conditions of community supervision, parole, and release on mandatory supervision for defendants who apply for certain state benefits.
- S.B. 499** by West State Affairs
Relating to assisting small businesses to participate in state public works contracting.
- S.B. 500** by Cain State Affairs
Relating to the creation of a game of chance to be known as instant bingo.
- S.B. 501** by Cain Education
Relating to a recreational facility fee at The University of Texas at Dallas.
- S.B. 502** by Leedom Education
Relating to tuition rates for undergraduate programs at public institutions of higher education.
- S.B. 503** by Leedom State Affairs
Relating to the training and licensing of motorcycle operators in this state.
- S.B. 504** by Turner Criminal Justice
Relating to appointing and licensing of officers by the Commission on Law Enforcement Officer Standards and Education; providing a penalty.
- S.B. 505** by Turner Education
Relating to full tuition exemption and partial lodging and board fees exemption for Texas Army National Guard/ROTC students.

S.B. 506 by Wentworth Finance
Relating to the dedication of net lottery revenues to the foundation school fund and general revenue fund.

GUESTS PRESENTED

Senator Henderson was recognized and introduced to the Senate representatives from the chambers of commerce in the Houston area.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate the Government/Business Law class of Rockport-Fulton High School.

The Senate welcomed its guests.

APPOINTMENT OF ACTING CHAIR

The President announced, in concurrence with Vice-chair Truan, the appointment of Senator Brown as Acting Chair of the Committee on Natural Resources during the absence of Senator Sims.

SENATE RESOLUTION 166

Senator Rosson offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in welcoming noted author and philanthropist Janice Woods Windle of El Paso, who is visiting the Capitol on February 8, 1995, as guest speaker of the Senate Ladies Club; and

WHEREAS, The esteemed Texan has recently published a novel based on the lives of her ancestors that has become a bestseller, *True Women*; filled with family lore, the novel is a tribute to Texas women whose lives touched hers and recounts how they lived, thought, and influenced the history of our state; and

WHEREAS, Her real ancestors and main characters in the book, Euphemia Ashby King, Bettie Moss King, and Georgia Lawshe Woods touched and even shaped formative events in Texas history; their stories are intertwined with the war for Texas independence, the Civil War and Reconstruction, and the ongoing fight against the natural elements; they fought off wolves, hostile Indians and Yankees, befriended outcasts and mended community rifts, all the while raising families and holding together their homes; and

WHEREAS, A remarkable woman in her own right, Mrs. Windle spent 10 years researching her ancestors and interviewing relatives and friends to complete the stories that had been passed down through her family; and

WHEREAS, *True Women* has been acclaimed by its readers and critics and has appeared on the bestseller lists of B. Dalton bookstores, the *Austin American-Statesman*, and the *Dallas Morning News*; more than 150 newspapers nationwide have published articles on the book and its author; and

WHEREAS, An accomplished and versatile individual, Janice Windle is president of El Paso Community Foundation and is one of the most successful fundraisers in the country, having raised more than \$45 million for the organization that works to improve the quality of life for residents of El Paso; and

WHEREAS, The wife of attorney Wayne Windle and the mother of grown children, Janice has found time to use her boundless energy in such diverse positions as director of the El Paso Bicentennial Commission, as executive secretary to State Representative George W. McCoppin, and as local campaign chairman for governors, mayors, senators, and a president; and

WHEREAS, It is indeed an honor for the Texas Senate to extend a warm welcome to Janice Windle and express its genuine delight in her presence at the Texas Capitol; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby commend Janice Woods Windle on her superb contributions to the citizens of Texas with all best wishes for continued success in her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of the admiration and appreciation of the Texas Senate.

ROSSON
MONTFORD

The resolution was read.

On motion of Senator Montford and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Rosson, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate Janice Woods Windle and her mother, Virginia Woods.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE CONCURRENT RESOLUTION 43

Senator Shapiro offered the following resolution:

S.C.R. 43, Designating February 8, 1995, as Crime Victims Day.

The resolution was read.

On motion of Senator Haywood and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Shapiro and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(President in Chair)

SENATE RESOLUTION 170

Senator Rosson offered the following resolution:

S.R. 170, Declaring February 8, 1995, El Paso Day at the State Capitol.

ROSSON
MONTFORD

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Rosson, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate a delegation of citizens from El Paso, here today in honor of El Paso Day.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:25 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 5
ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

C.S.S.C.R. 5, Requesting and encouraging local counseling services to develop battering intervention and protection programs in response to the studies documenting the success of such programs.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 17
ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

C.S.S.C.R. 17, Requesting the Texas Department of Criminal Justice to raise the funding priority of all diversion targeted programs including, but not limited to, battering intervention and prevention programs in order to increase offender services and provide adequate counseling.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 27
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 27, Directing that the present State Treasury Building, located at 200 East 10th Street, be named the Thomas Jefferson Rusk State Office Building.

The resolution was read second time and was adopted by a viva voce vote.

(Senator Armbrister in Chair)

**SENATE CONCURRENT RESOLUTION 30
ON SECOND READING**

On motion of Senator Haywood and by unanimous consent, the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 30, Granting the YMCA youth and government program permission to use the house and senate chambers on February 23, 24, and 25, 1995, and on February 22, 23, and 24, 1996.

The resolution was read second time and was adopted by a viva voce vote.

(President in Chair)

SENATE BILL 299 ON SECOND READING

Senator Ellis moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 299** be taken up for consideration at this time:

S.B. 299, Relating to the validation of governmental acts and proceedings by municipalities.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 299 as follows:

(1) In SECTION 1, Sec. 2 (page 1, line 11) insert the following between the words "ADOPTION" and "OF":

"OR AMENDMENT"

(2) In SECTION 1, Section 2(a) (page 1, line 13), insert the following between the words "adoption" and "of":

"or amendment"

(3) In SECTION 1, Sec. 2(b) (page 1, line 16) insert the following between the words "attempted adoption" and "of":

"or amendment"

The committee amendment was read and was adopted by a viva voce vote.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 299 as follows:

(1) In SECTION 1, add a new Sec. 6 to read as follows:

"Sec. 6. ORDINANCE OR REGULATION NOT VALIDATED. This article does not validate any ordinance or regulation of a municipality that violates Section 1.06 or 109.57, Alcoholic Beverage Code."

(2) In SECTION 1, renumber the existing Sec. 6 to be Sec. 7.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 299 by adding a new Section.

Sec. 6. INDUSTRIAL DEVELOPMENT SALES TAX ELECTION. All acts and procedures of a municipality in calling a bond or sales tax election, declaring the results thereof, or declaring the purpose for which bond proceeds and sales tax proceeds may be used, are validated as of the dates on which they occurred.

Amend the existing Sec. 6 as follows:

Sec. 7. EFFECT OF LITIGATION. This article does not apply to any matter that on the effective date of this article:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

The amendment was read.

On motion of Senator Ellis and by unanimous consent, further consideration of S.B. 299 was postponed to a time certain of 12:05 p.m. today.

Question—Shall Floor Amendment No. 2 to S.B. 299 be adopted?

SENATE BILL 127 ON SECOND READING

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 127** be taken up for consideration at this time:

S.B. 127, Relating to the temporary detention of certain persons charged with offenses involving family violence or the offense of stalking.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 127** by adding a new Section 2 to the bill to read as follows and by renumbering existing Sections 2, 3, and 4 of the bill as Sections 3, 4, and 5:

SECTION 2. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.033 to read as follows:

Art. 17.033. RELEASE ON PERSONAL BOND PROHIBITED.

(a) A person is not eligible for release on personal bond under this chapter if the person has been arrested or held without a warrant in the prevention of family violence or arrested for an offense under Section 42.07(a)(7), Penal Code.

(b) In this article, "family violence" has the meaning assigned by Section 71.01, Family Code.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 127 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 127** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 129 ON SECOND READING**

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 129** be taken up for consideration at this time:

C.S.S.B. 129, Relating to magistrate's orders for emergency protection for victims of family violence or the offense of stalking and to the offense

of violation of a protective order or magistrate's order for emergency protection.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 129 as follows:

Strike subsection (g) of Section 2 and substitute in lieu thereof:

(g) An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has previously been convicted under this section two or more times, in which the offense is a state jail felony.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 129 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 129 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 134 ON SECOND READING**

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 134 be taken up for consideration at this time:

C.S.S.B. 134, Relating to the punishment for certain assaults committed by one member of a family against another family member.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 134 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 135 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 135** be taken up for consideration at this time:

S.B. 135, Relating to the punishment for the offense of violation of a protective order by a habitual offender under that statute.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 135** as follows:

In SECTION 1, proposed Section 25.07(g), Penal Code, between "a" and "felony", insert "state jail" and delete "of the third degree". (introduced version, page 1, line 10; committee printing, page 1, line 22).

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 135 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 158 ON SECOND READING

Senator Truan moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 158** be taken up for consideration at this time:

C.S.S.B. 158, Relating to the issuance of cease and desist orders by the Texas Commission on Alcohol and Drug Abuse.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 158 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 223 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 223 be taken up for consideration at this time:

C.S.S.B. 223, Relating to providing notice to victims of domestic violence before releasing the offender.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

(Senator Armbrister in Chair)

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 223 as follows:

(1) Strike Section 1 of the bill and substitute the following:

SECTION 1. Article 17.29, Code of Criminal Procedure, is amended to read as follows:

Art. 17.29. ACCUSED LIBERATED. (a) When the accused has given the required bond, either to the magistrate or the officer having him in custody, he shall at once be set at liberty.

(b) Before releasing on bail a person arrested or held without a warrant in the prevention of family violence, the agency holding the person shall make a reasonable attempt to give personal notice of the imminent release to the victim of the alleged offense or to another person designated by the victim to receive the notice. An attempt by an agency to give notice to the victim or person designated by the victim at the victim's or person's last known telephone number or address, as shown on the records of the agency, constitutes a reasonable attempt to give notice under this subsection. If possible, the arresting officer shall collect the address and

telephone number of the victim at the time the arrest is made and shall communicate that information to the agency holding the person.

(c) A law enforcement agency or an employee of a law enforcement agency is not liable for damages arising from complying or failing to comply with Subsection (b) of this article.

(d) In this article, "family violence" has the meaning assigned by Section 71.01, Family Code.

SECTION 2. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.21 to read as follows:

Art. 42.21. NOTICE OF RELEASE OF FAMILY VIOLENCE OFFENDERS. (a) Before releasing a person convicted of a family violence offense, the entity holding the person shall make a reasonable attempt to give personal notice of the imminent release to the victim of the offense or to another person designated by the victim to receive the notice. An attempt by an entity to give notice to the victim or person designated by the victim at the victim's or person's last known telephone number or address, as shown on the records of the entity, constitutes a reasonable attempt to give notice under this subsection.

(b) An entity or an employee of an entity is not liable for damages arising from complying or failing to comply with Subsection (a) of this article.

(c) In this article, "family violence" has the meaning assigned by Section 71.01, Family Code.

(2) Renumber existing Section 2 of the bill as Section 3 of the bill.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 223 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 223 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 299 ON SECOND READING

The Presiding Officer laid before the Senate S.B. 299 on its passage to engrossment, the bill having been read second time, Floor Amendment No. 2 left pending, and further consideration postponed to a time certain of 12:05 p.m. today.

S.B. 299, Relating to the validation of governmental acts and proceedings by municipalities.

Question—Shall Floor Amendment No. 2 to **S.B. 299** be adopted?

On motion of Senator Patterson and by unanimous consent, Floor Amendment No. 2 was withdrawn.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 124 ON SECOND READING**

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 124** be taken up for consideration at this time:

C.S.S.B. 124, Relating to notification of a victim of the offense of stalking about the release on bail of the defendant in the case.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 124** as follows:

(1) In new Subsection (b) of Article 17.29, Code of Criminal Procedure, following "agency", strike "arresting or".

(2) Following new Subsection (b) of Article 17.29, Code of Criminal Procedure, insert:

An attempt by an agency to give notice to the victim or the person designated by the victim at the victim's or person's last known telephone number or address, as shown on the records of the agency, constitutes a reasonable attempt to give notice under this subsection. If possible, the arresting officer shall collect the address and telephone number of the victim at the time the arrest is made and shall communicate that information to the agency holding the person.

(3) Following new Subsection (b) of Article 17.29, Code of Criminal Procedure, insert a new Subsection (c) to read as follows:

(c) A law enforcement agency or an employee of a law enforcement agency is not liable for damages arising from complying or failing to comply with Subsection (b) of this article.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 124 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 124** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the STATE BOARD OF DENTAL EXAMINERS: Dr. Sheryl Ann Beltrane, Bexar County; Patricia S. Blackwell, Midland County; Dr. James L. Bolton, Hutchinson County; Jerry T. Burley, Harris County; Tammy R. Fisher, R.D.H., Tarrant County; Dr. J. Hadley Hall, Taylor County; Dr. Cornelius O. Henry, Smith County; Dr. James W. Kennedy, Harris County; H. Grant Lappin, Harris County; Michael Nogueira, Cameron County; Dr. David O. Olson, Orange County; Dr. Miro Arthur Pavelka, Dallas County; Felipe Reyna, McLennan County; Dr. Ronald G. Smith, Lubbock County; Dr. Kent T. Starr, McLennan County; Marsha Waugh, El Paso County; Gail Wilks, R.D.H., Gregg County; Dr. Joe David Zayas, Cameron County.

To be PRESIDING JUDGE OF THE THIRD ADMINISTRATIVE JUDICIAL REGION: Judge B. B. Schraub, Guadalupe County.

To be PRESIDING JUDGE OF THE FIFTH ADMINISTRATIVE JUDICIAL REGION: Judge Darrell Hester, Cameron County.

To be PRESIDING JUDGE OF THE SEVENTH ADMINISTRATIVE JUDICIAL REGION: Judge Weldon Kirk, Nolan County.

To be PRESIDING JUDGE OF THE NINTH ADMINISTRATIVE JUDICIAL REGION: Judge Ray D. Anderson, Terry County.

To be Members of the TEXAS JUDICIAL COUNCIL: Justice William G. Arnot III, Taylor County; Chief Justice Richard Barajas, El Paso County; Algenita Scott Davis, Harris County; Cynthia Fay Solls, Dallas County; Judge Joe Spurlock, Tarrant County; Judge Olin B. Strauss, Atascosa County.

To be a Member of the TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: Joel K. Glenn, Tarrant County.

To be a Member of the CHILDREN'S TRUST FUND OF TEXAS COUNCIL: Sylvia Martinez-Flores, Lubbock County.

To be a Member of the EGG MARKETING ADVISORY BOARD: Gilbert A. Burton, Angelina County.

To be a Member of the PRODUCE RECOVERY FUND BOARD: Roel Gonzales, Jim Wells County.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Bivins and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

Senator Bivins moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, reported today by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

Members, State Board of Dental Examiners: DR. SHERYL ANN BELTRANE, Bexar County; PATRICIA S. BLACKWELL, Midland County; DR. JAMES L. BOLTON, Hutchinson County; JERRY T. BURLEY, Harris County; TAMMY R. FISHER, R.D.H., Tarrant County; DR. J. HADLEY HALL, Taylor County; DR. CORNELIUS O. HENRY, Smith County; DR. JAMES W. KENNEDY, Harris County; H. GRANT LAPPIN, Harris County; MICHAEL NOGUEIRA, Cameron County; DR. DAVID O. OLSON, Orange County; DR. MIRO ARTHUR PAVELKA, Dallas County; FELIPE REYNA, McLennan County; DR. RONALD G. SMITH, Lubbock County; DR. KENT T. STARR, McLennan County; MARSHA WAUGH, El Paso County; GAIL WILKS, R.D.H., Gregg County; DR. JOE DAVID ZAYAS, Cameron County.

Presiding Judge of the Third Administrative Judicial Region: JUDGE B. B. SCHRAUB, Guadalupe County.

Presiding Judge of the Fifth Administrative Judicial Region: JUDGE DARRELL HESTER, Cameron County.

Presiding Judge of the Seventh Administrative Judicial Region: JUDGE WELDON KIRK, Nolan County.

Presiding Judge of the Ninth Administrative Judicial Region: JUDGE RAY D. ANDERSON, Terry County.

Members, Texas Judicial Council: JUSTICE WILLIAM G. ARNOT III, Taylor County; CHIEF JUSTICE RICHARD BARAJAS, El Paso County; ALGENITA SCOTT DAVIS, Harris County; CYNTHIA FAY SOLLS, Dallas County; JUDGE JOE SPURLOCK, Tarrant County; JUDGE OLIN B. STRAUSS, Atascosa County.

Member, Texas Board of Private Investigators and Private Security Agencies: JOEL K. GLENN, Tarrant County.

Member, Children's Trust Fund of Texas Council: SYLVIA MARTINEZ-FLORES, Lubbock County.

Member, Egg Marketing Advisory Board: GILBERT A. BURTON, Angelina County.

Member, Produce Recovery Fund Board: ROEL GONZALES, Jim Wells County.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Emissions and Clean Air might consider **S.B. 178** tomorrow.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **S.C.R. 18** today.

MEMORIAL RESOLUTION

S.R. 167 - By Ellis: In memory of Gregory Pappas of Harris County.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 42 - By Nelson, Shapiro: Recognizing the members of the Texas Federation of Republican Women and commending them for their accomplishments.

S.R. 168 - By Ellis: Commending Willie Mae Kirk on being selected for the Volunteer of the Year Award by the Austin Area Urban League.

S.R. 171 - By Turner: Congratulating Michael Forest Kent of Bryan on achieving the rank of Eagle Scout.

S.R. 172 - By Turner: Congratulating Mr. and Mrs. Berlin Huntsman of Lovelady on the occasion of their 65th wedding anniversary.

S.R. 173 - By Turner: Congratulating Mr. and Mrs. Varreece Berry on the occasion of their 50th wedding anniversary.

S.R. 174 - By Turner: Congratulating the Reverend W. D. Taylor of Centerville on the occasion of his 100th birthday.

S.R. 175 - By Turner: Commending Rafael Salinas for his contributions to the City of Navasota.

S.R. 176 - By Gallegos: Congratulating Josephine P. Rocha of Houston on the occasion of her 65th birthday.

S.R. 177 - By Cain: Congratulating Mr. and Mrs. H. H. "Bud" Willmon of Grand Saline on the occasion of their 50th wedding anniversary.

S.R. 178 - By Barrientos: Commending Melvin Lee Sobotik for his career of service in the office of the comptroller.

S.R. 179 - By Barrientos: Welcoming the students from Buenos Aires, Argentina, who are participating in the Fundacion Universitaria del Rio de la Plata program at the Lyndon Baines Johnson School of Public Affairs.

S.R. 180 - By Barrientos: Welcoming the students from the University of Hannover in Hannover, Germany, who are participating in the Southwest Texas State University student exchange program.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:23 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 7, 1995

NATURAL RESOURCES — **S.B. 329** (Amended), **S.B. 72**, **S.B. 314**, **S.B. 315**, **S.B. 393**

February 8, 1995

ECONOMIC DEVELOPMENT — **C.S.S.B. 215**

INTERGOVERNMENTAL RELATIONS — **S.B. 42** (Amended), **S.B. 344** (Amended), **S.B. 260** (Amended)

EIGHTEENTH DAY

(Thursday, February 9, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown, Leedom, Sims.

A quorum was announced present.